

# Department of Justice

United States Attorney Kathleen Mehltrittter  
Western District of New York

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## **CORPORATION PLEADS GUILTY TO STORING HAZARDOUS WASTE WITHOUT A PERMIT**

BUFFALO, N.Y.—Tulip Corporation, of Niagara Falls , New York , pleaded guilty before U.S. District Chief Judge William M. Skretny, to a felony charge of knowingly storing hazardous waste without a permit, U.S. Attorney Kathleen M. Mehltrittter of the Western District of New York announced today. A corporation charged with storing hazardous waste carries a maximum penalty of a fine of up to \$50,000 per day of violation, a term of probation of 5 years, or both.

Assistant U.S. Attorney Aaron J. Mango, who handled the case, stated that the defendant is a California corporation, with a place of business at 3125 Highland Avenue, Niagara Falls, which is a plastics recycling company. One of the product lines at Tulip involves the re-processing and recycling of shredded battery casings, commonly referred to as “chips,” into a usable material. Tulip purchases the chips from various suppliers, and then re-processes the chips by washing, drying, and extruding the chips. Some of the chips processed and recycled by Tulip are contaminated with lead, and therefore were hazardous materials. The chips are delivered to Tulip by tractor-trailer, with each load containing approximately 40,000 lbs of chips.

From October 14, 2004, to July 11, 2007, chips contaminated with lead were occasionally stored outside at Tulip. The storage of the chips outside occurred due to breakdowns in the chip re-processing equipment and a surplus of chips arriving at Tulip. The chips were stored outside at the direction of the defendant. The storage of chips outside at Tulip increased in frequency beginning in or about January of 2007, and leading up to July 11, 2007. On July 11, 2007, the New York State Department of Environmental Conservation conducted an inspection at Tulip and observed approximately 80,000 lbs of chips being stored outside. Samples of the chips were taken by DEC and Tulip, which were analyzed for lead content. All of the samples were above the regulatory threshold for lead, and were therefore hazardous .

The plea was the culmination of an investigation on the part of Special Agents of the United States Environmental Protection Agency, Criminal Investigation Division under the direction of William Lometti, Special Agent in Charge and Investigators of the New York State Department of Environmental Conservation Police, BECI, under the direction of Captain David Bennett.

Sentencing will be scheduled at a later date in front of U.S. District Chief Judge William M. Skretny.